

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:06cv117

**CAPITOL RECORDS, INC., a Delaware)
corporation; UMG RECORDINGS, INC.,)
a Delaware corporation; SONY BMG)
MUSIC ENTERTAINMENT, a Delaware)
general partnership; ARISTA)
RECORDS LLC, a Delaware limited)
liability company; and BMG MUSIC,
a New York general partnership,)
)
)
Plaintiffs,)
)
vs.)
)
ANGIE BOSTIC,)
)
Defendant.)
_____)**

JUDGMENT

THIS MATTER is before the Court on the Plaintiffs' motion for default judgment.

The Defendant was served by personal service with the summons and complaint in this action on March 27, 2006. The Defendant has not made an appearance in the action and on December 14, 2006, the Clerk of Court entered default. On January 4, 2007, the Plaintiffs provided notice to

the Defendant of the entry of default. To date, no appearance has been made by the Defendant.

The Plaintiffs seek statutory damages and injunctive relief for six violations of the Copyright Act. That statute provides that “an infringer of copyright is liable for … statutory damages[.]” **17 U.S.C. §504(a)(2)**. The “copyright owner may elect, at any time before final judgment is rendered, to recover, instead of actual damages and profits, an award of statutory damages for all infringements involved in the action, with respect to any one work … in a sum of not less than \$750 or more than \$30,000 as the court considers just.” **17 U.S.C. §504(c)(1)**. In this case, the Plaintiffs seek statutory damages in the amount of \$750.00 per work infringed by the Defendant for a total of \$4,500.00 in statutory damages. Because the Plaintiffs seek to recover a sum certain in the form of statutory damages, no hearing is required. **Fed.R.Civ.P. 55(b)(2); Ortiz-Gonzalez v. Fonovisa, 277 F.3d 59, 64 (1st Cir. 2002).**

They also seek to recover their costs in the amount of \$310.00. However, counsel failed to provide an itemization of costs. **28 U.S.C. §1924**. As a result, the Court will not make such an award.

IT IS, THEREFORE, ORDERED as follows:

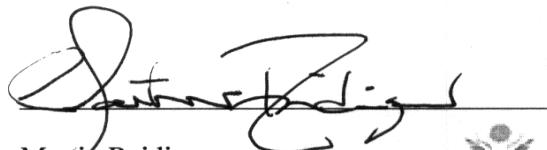
1. That the Plaintiffs have Judgment against the Defendant in the amount of Four Thousand Five Hundred Dollars and No Cents (\$4,500.00);
2. That the Defendant is hereby enjoined from directly or indirectly infringing the Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:
 - a. "Against the Wind," on album "Against the Wind," by artist "Bob Seger" (SR# 17-910);
 - b. "I'd Die for You," on album "Slippery When Wet," by artist "Bon Jovi" (SR# 71-794);
 - c. "Be Good Johnny," on album "Business as Usual," by artist "Men At Work" (SR# 35-328);
 - d. "Baby Be Mine," on album "LFO," by artist "LFO" (SR# 306-981);
 - e. "All or Nothing," on album "O-Town," by artist "O-Town" (SR# 294-872);
 - f. "Song of the South," on album "Southern Star," by artist "Alabama" (SR# 100-925);

including without limitation infringement by using the Internet or any

online media distribution system to reproduce (*i.e.*, download) the above listed recordings, to distribute (*i.e.*, upload) the above listed recordings, or to make the above listed recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of the Plaintiffs.

3. That the Defendant shall destroy all copies of the above listed recordings that the Defendant has downloaded onto any computer hard drive or server without the Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in the Defendant's possession or control.

Signed: October 9, 2007



Martin Reidinger
United States District Judge

